

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re: BRACHA CAB CORP, et al.,

Debtors.

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**BRACHA CAB CORP.,
DABRI TRANS CORP.,
DOVBER CAB CORP.,
FIT TAXI CORP.,
JACKHEL CAB CORP.,
JARUB TRANS CORP.,
LECHAIM CAB CORP.,
MERAB CAB CORP.,
NY CANTEEN TAXI CORP.,
NY ENERGY TAXI CORP.,
NY GENESIS TAXI CORP.,
NY STANCE TAXI CORP.,
NY TINT TAXI CORP.,
SOMYASH TAXI INC.,
TAMAR CAB CORP.,**

Plaintiffs.

v.

**THE ESTATE OF JACOB ELBERG, JEB
MANAGEMENT CORP., SHEFA
FUNDING LLC, ROYAL ONE REAL ESTATE
LLC, and ROYAL REAL ESTATE
MANAGEMENT, LLC,**

Defendants.

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Chapter 11

Case No. 17-46613 (NHL)

Adv. Proc. No.: _____

**COMPLAINT TO RECOVER
ASSETS OF THE DEBTORS**

Plaintiffs, Bracha Cab Corp., Dabri Trans Corp., Dovber Cab Corp., Fit Taxi Corp., Jackhel Cab Corp., Jarub Trans Corp., Lechaim Cab Corp., Merab Cab Corp., NY Canteen Taxi Corp., NY Energy Taxi Corp., NY Genesis Taxi Corp., NY Stance Taxi Corp., NY Tint Taxi Corp., Somyash Taxi Inc., Tamar Cab Corp., (hereinafter referred to as "Plaintiff Corporations"),

by their attorneys Rosenberg, Musso & Weiner, LLP, complaining of the Defendants, alleges as follows:

1. On December 8, 2017, Bracha Cab Corp., Dovber Cab Corp., Dabri Trans Corp., Merab Cab Corp., Fit Taxi Corp., Tamar Cab Corp., and NY Genesis Taxi Corp. filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. On December 11, 2017, Jarub Trans Corp., Somyash Taxi Corp., NY Canteen Taxi Corp., Lechaim Cab Corp., Tamar Cab Corp., NY Genesis Taxi Corp., NY Tint Taxi Corp., NY Stance Taxi Corp., NY Energy Taxi Corp., Jackhel Cab Corp. filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code.
2. On January 19, 2018, this Court entered an order procedurally consolidating the cases filed by the Plaintiff Corporations and directing that they be jointly administered by the Court.
3. Jacob Elberg died on December 20, 2013 and his Last Will and Testament was probated at Surrogate's Court Kings County on January 16, 2014. The Will appointed Tamara Pewzner and Ruben Elberg as co-executors.
4. Tamara Pewzner resides at 23 Waverly Place, Lawrence, New York 11559 and Ruben Elberg resides at 1523 President Street, Brooklyn, New York 11213 and as executors of the Estate of Jacob Elberg (the "Estate"), they are authorized to accept service on behalf of the Estate.
5. JEB MANAGEMENT CORP. ("JEB") is a corporation organized under the laws of the State of New York with an address c/o Ruben Elberg. SHEFA FUNDING LLC ("SHEFA") is a limited liability company organized under the laws of the State of New

York. Royal One Real Estate, LLC is a limited liability company organized under the law of the State of New York, with an address c/o Tamara Pewzner. Royal Real Estate Management, LLC, is a limited liability organized under the laws of the State of New York, with an address c/o Tamara Pewzner.

6. This is an adversary proceeding brought by the Plaintiff Corporations to recover money owed to them by the Defendants.
7. This Court has jurisdiction of this action under 28 U.S.C. 1334, and this action constitutes a core proceeding pursuant to U.S.C. §157(b)(2)(A), (E), and (O). In the event this proceeding is deemed non-core, the Plaintiff Corporations consent to entry of final orders and judgments by the Bankruptcy Judge.
8. At the time of his death, Jacob Elberg was the sole shareholder of each of the Plaintiff Corporations and also had an interest in JEB, SHEFA, Royal One Real Estate, LLC, and Royal Real Estate Management, LLC.
9. Prior to his death, Jacob Elberg did borrow from the Plaintiff Corporations the following sums and recorded same as a loan to the officer the books and records of each corporation:

BRACHA CAB CORP.	\$1,572,065
DABRI TRANS CORP.	\$1,565,944
DOVBER CAB CORP.	\$1,565,545
FIT TAXI CORP.	\$1,655,294
JACKHEL CAB CORP.	\$1,523,296
JARUB TRANS. CORP.	\$1,255,197
LECHAIM CAB CORP.	\$1,276,680

MERAB CAB CORP.	\$1,318,638
N.Y. CANTEEN TAXI CORP.	\$1,305,128
N.Y. ENERGY TAXI CORP	\$1,345,296
N.Y. GENESIS TAXI CORP	\$1,338,816
N.Y. STANCE TAXI CORP.	\$1,248,406
N.Y. TINT TAXI CORP.	\$1,230,273
SOMYASH TAXI INC.	\$1,309,528
TAMAR CAB CORP.	\$1,308,004

10. On March 29, 2016, Esma Elberg did make a formal Notice of Claim against each of the co-executors on behalf of each of the Plaintiff Corporations (a copy of each Notice of Claim is attached hereto and made a part hereof and labeled as **Exhibit A**).

11. Upon information and belief some of the money borrowed by Jacob Elberg from the Plaintiff Corporations went directly to JEB and SHEFA and Jacob Elberg transferred other monies to JEB and SHEFA.

12. JEB and SHEFA used the monies that Jacob Elberg borrowed from the Debtor Corporations to purchase and invest in Royal One Real Estate, LLC which owned properties at 42-39 Crescent Street, Long Island City, New York, 42-31 Crescent Street, Long Island City, New York, 42-34 27th St, Long Island City, New York, 42-42 27th Street, Long Island City, New York, and 25-01 43rd Avenue, Long Island City, New York, Royal Real Estate Management, LLC, which owned the property at 42-37 Crescent Street, Long Island City, New York, and Royal CP Hotel Holdings, LP, which owned the

properties at 42-35 Crescent Street, Long Island City, New York, and 42-33 Crescent Street, Long Island City, New York. .

13. Upon information and belief, the properties listed in paragraph 12 were sold and much of the proceeds from the sale is being held by or for the benefit of the Estate in estate accounts or in accounts in the name of JEB, SHEFA, Royal one Real Estate, LLC, and/or Royal Real Estate Management, LLC.
14. Said claims have not been paid by the co-executors of the Estate and said claims are valid and due and owing to each of the various Plaintiff Corporations.
15. 11 U.S.C. §541(a)(1) defines property of the estate as “all legal or equitable interests of the debtor in property as of the commencement of the case.” 11 U.S.C. §541(a)(5) states that property of the estate includes property that would have been property of estate as of the filing date if the debtor becomes entitled to acquire such property within 180 days of the filing date by bequest, devise, or inheritance.
16. The Debtor Corporations’ interest in the Estate and in the proceeds from the sale of the properties owned by Royal One Real Estate, LLC, Royal Real Estate Management, LLC, and Royal CP Hotel Holdings, LP is property of the estate within the meaning of 11 U.S.C. §541(a)(5).
17. 11 U.S.C. §542(a) states that any person in possession, custody, or control of property of the estate shall deliver that property to the trustee (or debtor in possession with the powers of a trustee) and account for such property unless the property is of inconsequential value.

18. Tthe Estate must provide the Debtor Corporations with an accounting of the monies loaned by the Debtor Corporations to Jacob Elberg and the Estate and all the Defendants must turnover to the Debtor Corporations an amount equal to the monies loaned by the Debtor Corporations to the Estate pursuant to 11 U.S.C. §542.
19. No prior application has been made for this or similar relief.

WHEREFORE, it is respectfully requested that judgment be entered in favor of each of the Plaintiff Corporations and against the Estate of Jacob Elberg, JEB, SHEFA, Royal One Real Estate, LLC, and Royal Real Estate Management, LLC, in the sum set forth in the Notices of Claim, \$20,818,110, together with interest, costs, and disbursements.

Dated: Brooklyn, New York
May 25, 2018

ROSENBERG, MUSSO & WEINER, LLP
Attorneys for Plaintiff Corporations

/s/
By: BRUCE WEINER
26 Court Street, Suite 2211
Brooklyn, New York 11242
Tel. No. (718) 855-6840